

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 518 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

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BHARATBHAI JETHABHAI VANKAR

Versus

STATE OF GUJARAT

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Appearance:

MS JAYSHREE C BHATT for Petitioner

PUBLIC PROSECUTOR for Respondent No. 1

MR PR NANAVATI for Respondent Nos. 2, 3, 4, 5

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CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 27/09/1999

#### ORAL JUDGEMENT

Petitioner is the brother of victim who has firstly filed one criminal complaint directly with the J.M.F.C., Dholka which was numbered as M.Case No.37 of 1999 wherein J.M.F.C. has directed the Police Officer under Sec.156(3) to investigate the matter and to submit report within stipulated time. In view of the above direction, Police started investigation. Meanwhile,

present petitioner has filed the present petition on 14-6-1999 in which notice was issued on 15-6-1999 which was made returnable on 23-6-1999. The record further shows no progress in the matter thereafter.

Heard learned counsel for the petitioner and learned APP for the State. Even I.O. is also present in the court. I.O. has made a statement through learned APP, Mr.Poojari that in this case, Police has completed the investigation and filed the 'C' summary before the Court of learned J.M.F.C., Dholka on 25-7-1999 wherein notice was issued to the petitioner-complainant. In pursuance of said notice, he personally appeared before the Court and sought for adjournment and Court below has not passed any order on the said report. Meanwhile, present petitioner is requesting this Court to hand over the investigation to C.I.D. Crime. But as I have stated earlier, investigation is already over and 'C' summary report was submitted before the Court below and complainant also appeared before the Court. If at all, he has got any grievance regarding investigation, then he can raise his objection before the Court below and in that event, Court below is directed to decide the matter on merits after hearing the parties more particularly the complainant if complainant desires to appear and argue the same before the Court below otherwise, Court is at liberty to pass appropriate order according to law.

With the above observation, this Special Criminal Application stands disposed of accordingly. Notice is discharged.

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